

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAMAR JOHNSON,

Plaintiff,

-against-

RENRIK BENN,

Defendant.

22-CV-6127 (JGLC)

ORDER REQUESTING
PRO BONO COUNSEL

JESSICA G. L. CLARKE, United States District Judge:

Pursuant to 28 U.S.C. § 1915(e)(1), courts may appoint an attorney to represent someone unable to afford counsel. Plaintiff previously made a request for *pro bono* counsel, which the Court denied “without prejudice and with leave to renew after dispositive motion practice . . . if circumstances warrant such an application at that time.” ECF No. 36 at 2.

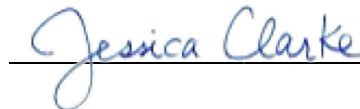
In determining whether to grant an application for counsel, the Court should first consider whether the plaintiff’s position “seems likely to be of substance.” *Hodge v. Police Officers*, 802 F.2d 58, 61 (2d Cir. 1986). The Court should then consider the plaintiff’s ability to obtain representation independently; the plaintiff’s ability to investigate the crucial facts; whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact-finder; the plaintiff’s ability to present the case; the complexity of the legal issues; and any special reason in the case why appointment of counsel would be more likely to lead to a just determination. *Id.* at 61–62; *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989). Having denied Defendant’s motion to dismiss, and considering the factors set forth in *Hodge* and *Cooper*, the Court now finds it appropriate to appoint *pro bono* counsel to represent Plaintiff for the purposes of discovery. Plaintiff has declared, *inter alia*, that this is a complex case involving medical issues that require expert testimony, Plaintiff wrote to several law firms

seeking a lawyer to no avail and Plaintiff is incarcerated. ECF No. 34. Plaintiff has not filed a new motion for the appointment of counsel, but the Court grants Plaintiff *pro bono* counsel *sua sponte*. See *Gunter v. Comm'r of Soc. Sec.*, 361 F. App'x 197, 200 (2d Cir. 2010).

The Clerk of Court is directed to attempt to locate *pro bono* counsel to represent Plaintiff for the purposes of discovery. The Court advises Plaintiff that there are no funds to retain counsel in civil cases and the Court relies on volunteers. Due to a scarcity of volunteer attorneys, a lengthy period of time may pass before counsel volunteers to represent Plaintiff. If an attorney volunteers, the attorney will contact Plaintiff directly. There is no guarantee, however, that a volunteer attorney will decide to take the case, and Plaintiff should be prepared to proceed with the case without an attorney. The Office of Pro Se Litigation is respectfully requested to provide the Court with an update by February 16, 2024, as to whether an attorney is willing to represent Mr. Johnson.

Dated: January 30, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Jessica Clarke", is written over a horizontal line.

JESSICA G. L. CLARKE
United States District Judge